

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAMUEL HOY BLACK and BERNARD BLACK,
as trustees

Plaintiffs,

16-CV-430 (CBA) (ST)

-against-

CHERIE WRIGLEY, ESAUN G. PINTO, SR., and
CPI INVESTIGATIONS INC.

Defendants.

.....X

**DEFENDANTS' RESPONSE TO PLAINTIFFS' RULE 56.1 STATEMENT
OF ADDITIONAL FACTS**

Defendants Cherie Wrigley, Esaun Pinto, and CPI Investigations, Inc. submit the following Response to Plaintiffs' Rule 56.1 Statement of Additional Facts not in material dispute, in support of their motion for Summary Judgment. This statement is submitted pursuant to F.R.C.P 56 and Local Rule 56.1. Defendants' Responses are in Bold font below Plaintiffs' cited sources for support.

No.	Factual Assertion	Support / Defs' Responses in Bold
1	All of Pinto's bills for services related to Joanne list the "client" as "Cherie Wrigley"	Fantone Decl. Exh. D (Pinto bills) Defs: Admitted
2	Wrigley hired Pinto on or around April 2013 to provide services to Wrigley for "subject" "Joanne Black".	Fantone Decl. Exh. D (Pinto bills) Defs: Denied. Source cited does not support factual assertion.
3	Wrigley paid Pinto a total of \$45,000 for his services during the period from April through July 2013, and then sought reimbursement from Bernard Black, to be paid from Joanne's funds.	Black Decl. ¶¶ 61-62 and Exhs. H (Estate of Renata Black checking account statements); I (summary of payments to Pinto and Wrigley); Fantone Decl. Exh. D (Pinto bills) Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.
4	More specifically, Wrigley paid to Pinto the following amounts for his services, for which Bernard Black then reimbursed Wrigley: Reimbursed on 2013.04.13 \$10,000 Reimbursed on 2013.04.27 \$10,000 Reimbursed on 2013.07.03 \$25,000	Fantone Decl. Exh. D (Pinto bills) Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.
5	Wrigley paid Pinto \$2,300 for personal services during Wrigley's July 2014 trip to New York City to see Joanne.	Black Decl. ¶ 53 and Exh. F (Wrigley bill for July 2014) Defs: Admitted
6	From October 2014 through at least September 2015, Wrigley paid Pinto \$6,000 per month for Pinto's services to Wrigley	Black Decl. ¶ 55 (summarizing Wrigley Affidavit in guardianship proceeding) Defs: Denied as irrelevant.
7	Wrigley stated under oath that "I did indeed retain his [Pinto's] services" and that "I paid all disbursements related to his retention, all at my own expense."	Black Decl. ¶ 54 (quoting from Wrigley Affidavit in guardianship proceeding) Defs: Admitted
	All bills from CPI for services to Joanne were issued to Wrigley	Black Decl. Exh. O (Pinto response to request for admissions, requests 32-62) Defs: Admitted to the extent Plaintiffs use of the term "issued" solely relates to identifying Wrigley as the client on such invoices. Object to any implication that these invoices were actually sent to Wrigley after July 17, 2013 when Bernard instructed Pinto "you should make all future billing agreements with me, and only me." Pls' Resp. SOF at ¶40; Fantone Decl. at Ex. K.

8	During the period from April 2013 through September 2014, Pinto had access to the debit card for Joanne's account at Chase Bank and used this debit card to make withdrawals from this account.	Fantone Decl. Exh. D (Pinto bills); see also Def. Stmt. Material Facts 77 (implicitly admitting that Pinto withdrew funds from Joanne's Chase account); Joanne Black Decl. ¶ 11 (same); Black Decl. Exh. O (Pinto response to request for admissions, request 8) Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.
9	During the period from April 2013 through September 2014, Pinto had access to the debit card for Joanne's accounts at Wells Fargo Bank. He used this debit card to withdraw funds from these account. As stated in Joanne Black's declaration, "Each month when the SSDI checks were deposited into my account Esaun [Pinto] withdrew the SSDI funds."	Black Decl. ¶ 26-29, 67 and Exh. K] (Wrigley email stating that Pinto has Joanne's Wells Fargo card); Def. Stmt. Material Facts 77 (implicitly admitting that Pinto withdrew funds from Joanne's Chase account); Joanne Black Decl. ¶ 14; Black Decl. Exh. O (Pinto response to request for admissions, requests 8-9). Defs: Denied. Source cited does not support the factual assertion.
10	During the period from April 2013 through April 2014, the Social Security Administration (SSA) deposited Joanne's SSDI payments directly to her Wells Fargo bank account.	Black Decl. Exh. D (Wells Fargo bank statements) Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.
11	During the period from May 2014 through January 2015, Pinto was Joanne's representative payee for her SSDI payments. He was not authorized by Bernard, who	Black Decl. ¶¶ 30-31; Exh. O (Pinto response to request for admissions, request 10-11) Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.

No.	Factual Assertion	Support
	was her conservator, to become a representative payee. As representative payee, he received a total of \$10,975 in payments from the Social Security Administration.	
	As a representative payee, Pinto was required by SSA rules to place the SSDI funds in a separate account with Joanne Black as the beneficiary.	<p>Black Decl. ¶ 64 and Exh. J (Guide for Representative Payees), at 6</p> <p>Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.</p>
12	Pinto did not place the SSDI funds he received as representative payee into a separate account naming Joanne as beneficiary. Instead, he has denied having any records of the manner in which he received SSDI funds or disbursed them.	<p>Black Decl. Exh. A (Pinto Responses and Objections to Plaintiffs' Request for Documents), response 12.</p> <p>Defs: Denied. Pinto Dep. at 261-262 (attached as Ex. M to Bernard Decl.)</p>
13	As a representative payee, Pinto was required by SSA rules to "keep[] records on and report[annually] on how you spend the benefits by completing a Representative Payee Report (Form SSA-623)."	<p>Black Decl. ¶ 65 and Exh. J (Guide for Representative Payees), at 8.</p> <p>Defs: Admitted.</p>
14	Pinto did not keep records of how he spent Joanne's SSDI benefits, did not report his actions as representative payee to the SSA, and instead kept no records of how, if, or when he disbursed the SSDI funds for Joanne's benefit.	<p>Black Decl. Exh. A (Pinto Responses and Objections to Plaintiffs' Request for Documents), Response 12.</p> <p>Defs: Denied. Source cited does not support the factual assertion.</p>
15	After Pinto ceased to be Joanne's representative payee, starting, Pinto was required by SSA rules to return to SSA any funds that he had not already spent for Joanne's benefit.	<p>Black Decl. Exh. J (Guide for Representative Payees), at 12</p> <p>Defs: Admitted to the extent Plaintiffs' cited source supports this factual assertion.</p>
16	Pinto did not do so, and instead kept no records of how, if, or when he disbursed the SSDI funds for Joanne's benefit.	<p>Black Decl. Exh. A (Pinto Responses and Objections to Plaintiffs' Request for Documents), Responses 11, 12.</p> <p>Defs: Denied. Source cited does not support the factual assertion.</p>
17	Over the period from April 15, 2013 through September 30, 2014, Pinto used the debit card for Joanne's checking account at Chase Bank to withdraw a total of \$52,003. This amount is net of Chase's reversal, at Bernard's request, of fees charged by non-Chase ATMs.	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

18	<p>During April 2013, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <ul style="list-style-type: none"> On April 15, 2013, Pinto withdrew \$404.50 from the Chase account. On April 15, 2013, Pinto withdrew \$100 from the Chase account. On April 15, 2013, Pinto withdrew \$94.24 from the Chase account. On April 15, 2013, Pinto withdrew \$405 from the Chase account. On April 15, 2013, Pinto withdrew \$404 from the Chase account. On April 16, 2013, Pinto withdrew \$205.50 from the Chase account. On April 16, 2013, Pinto withdrew \$205.50 from the Chase account. On April 17, 2013, Pinto withdrew \$305.95 from the Chase account. On April 18, 2013, Pinto withdrew \$504.50 from the Chase account. On April 19, 2013, Pinto withdrew \$450 from the Chase account. On April 22, 2013, Pinto withdrew \$500 from the Chase account. On April 22, 2013, Pinto withdrew \$500 from the Chase account. On April 25, 2013, Pinto withdrew \$500 from the Chase account. On April 26, 2013, Pinto withdrew \$500 from the Chase account. On April 29, 2013, Pinto withdrew \$300 from the Chase account. On April 29, 2013, Pinto withdrew \$124 from the Chase account. On April 30, 2013, Pinto withdrew \$450 from the Chase account. 	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
19	<p>During May 2013, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <ul style="list-style-type: none"> On May 2, 2013, Pinto withdrew \$450 from the Chase account. On May 3, 2013, Pinto withdrew \$500 from the Chase account. On May 6, 2013, Pinto withdrew \$500 from the Chase account. On May 7, 2013, Pinto withdrew \$500 from the Chase account. On May 8, 2013, Pinto withdrew \$500 from the Chase account. On May 9, 2013, Pinto withdrew \$500 from the Chase account. 	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

No.	Factual Assertion	Support
	<p>On May 10, 2013, Pinto withdrew \$505 from the Chase account.</p> <p>On May 13, 2013, Pinto withdrew \$305 from the Chase account.</p> <p>On May 13, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 15, 2013, Pinto withdrew \$203.75 from the Chase account.</p> <p>On May 16, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 17, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 20, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 21, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 23, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 24, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 28, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On May 29, 2013, Pinto withdrew \$500 from the Chase account.</p>	
20	<p>During June 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On June 5, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 17, 2013, Pinto withdrew \$100 from the Chase account.</p> <p>On June 19, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 20, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 21, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 24, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 25, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On June 28, 2013, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
21	<p>During July 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On July 8, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On July 10, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On July 15, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On July 17, 2013, Pinto withdrew \$200 from the Chase account.</p> <p>On July 18, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On July 22, 2013, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
22	<p>During August 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On August 7, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 9, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 12, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 15, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 19, 2013, Pinto withdrew \$203 from a non-Chase ATM.</p> <p>On August 19, 2013, Pinto withdrew \$60 from the Chase account.</p> <p>On August 19, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 29, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On August 30, 2013, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
23	<p>During September 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On September 9, 2013, Pinto withdrew \$301.50 from a non-Chase ATM.</p> <p>On September 9, 2013, Pinto withdrew \$202.95 from a non-Chase ATM.</p> <p>On September 12, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On September 13, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On September 16, 2013, Pinto withdrew \$100 from the Chase account.</p> <p>On September 23, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On September 25, 2013, Pinto withdrew \$100 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

No.	Factual Assertion	Support
	<p>On September 26, 2013, Pinto withdrew \$200.99 from a non-Chase ATM.</p> <p>On September 30, 2013, Pinto withdrew \$122 from the Chase account.</p> <p>On September 30, 2013, Pinto withdrew \$101.99 from a non-Chase ATM.</p> <p>On September 30, 2013, Pinto withdrew \$100.99 from a non-Chase ATM.</p>	
24	<p>During October 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On October 15, 2013, Pinto withdrew \$300 from the Chase account.</p> <p>On October 18, 2013, Pinto withdrew \$403 from a non-Chase ATM.</p> <p>On October 18, 2013, Pinto withdrew \$60 from the Chase account.</p> <p>On October 24, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On October 28, 2013, Pinto withdrew \$402 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
25	<p>During November 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On November 12, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On November 14, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On November 26, 2013, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
26	<p>During December 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On December 2, 2013, Pinto withdrew \$400 from the Chase account.</p> <p>On December 6, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On December 9, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On December 12, 2013, Pinto withdrew \$500 from the Chase account.</p> <p>On December 16, 2013, Pinto withdrew \$200 from the Chase account.</p> <p>On December 16, 2013, Pinto withdrew \$101.75 from a non-Chase ATM.</p> <p>On December 24, 2013, Pinto withdrew \$102.25 from a non-Chase ATM.</p> <p>On December 24, 2013, Pinto withdrew \$102.25 from a non-Chase ATM.</p> <p>On December 27, 2013, Pinto withdrew \$300 from the Chase account.</p> <p>On December 30, 2013, Pinto withdrew \$200 from the Chase account.</p> <p>On December 31, 2013, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
27	<p>During January 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On January 2, 2014, Pinto withdrew \$203 from a non-Chase ATM.</p> <p>On January 2, 2014, Pinto withdrew \$203 from a non-Chase ATM.</p> <p>On January 29, 2014, Pinto withdrew \$503 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
28	<p>During February 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On February 18, 2014, Pinto withdrew \$450 from the Chase account.</p> <p>On February 21, 2014, Pinto withdrew \$400 from the Chase account.</p> <p>On February 21, 2014, Pinto withdrew \$101.50 from a non-Chase ATM.</p> <p>On February 25, 2014, Pinto withdrew \$500 from the Chase account.</p> <p>On February 28, 2014, Pinto withdrew \$303 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

29	<p>During March 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On March 17, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On March 17, 2014, Pinto withdrew \$203 from a non-Chase ATM. On March 18, 2014, Pinto withdrew \$500 from the Chase account. On March 19, 2014, Pinto withdrew \$503 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
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No.	Factual Assertion	Support
30	<p>During April 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On April 10, 2014, Pinto withdrew \$500 from the Chase account. On April 21, 2014, Pinto withdrew \$101.50 from a non-Chase ATM. On April 21, 2014, Pinto withdrew \$201.75 from a non-Chase ATM. On April 28, 2014, Pinto withdrew \$201.75 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
31	<p>During May 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On May 5, 2014, Pinto withdrew \$500 from the Chase account. On May 6, 2014, Pinto withdrew \$450 from the Chase account. On May 12, 2014, Pinto withdrew \$400 from the Chase account. On May 12, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On May 13, 2014, Pinto withdrew \$500 from the Chase account. On May 15, 2014, Pinto withdrew \$203 from a non-Chase ATM. On May 16, 2014, Pinto withdrew \$500 from the Chase account. On May 19, 2014, Pinto withdrew \$450 from the Chase account. On May 21, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On May 21, 2014, Pinto withdrew \$303 from a non-Chase ATM. On May 23, 2014, Pinto withdrew \$300 from the Chase account. On May 27, 2014, Pinto withdrew \$500 from the Chase account. On May 30, 2014, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
32	<p>During June 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On June 2, 2014, Pinto withdrew \$500 from the Chase account. On June 5, 2014, Pinto withdrew \$202 from a non-Chase ATM. On June 12, 2014, Pinto withdrew \$102.50 from a non-Chase ATM. On June 18, 2014, Pinto withdrew \$500 from the Chase account. On June 19, 2014, Pinto withdrew \$500 from the Chase account. On June 20, 2014, Pinto withdrew \$500 from the Chase account. On June 23, 2014, Pinto withdrew \$6 from the Chase account. On June 24, 2014, Pinto withdrew \$200 from the Chase account. On June 27, 2014, Pinto withdrew \$200 from the Chase account. On June 30, 2014, Pinto withdrew \$101.75 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
33	<p>During July 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On July 2, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On July 3, 2014, Pinto withdrew \$300 from the Chase account. On July 7, 2014, Pinto withdrew \$203 from a non-Chase ATM. On July 10, 2014, Pinto withdrew \$122.50 from a non-Chase ATM. On July 7, 2014, Pinto withdrew \$200 from the Chase account. On July 22, 2014, Pinto withdrew \$500 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
34	<p>During August 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On August 4, 2014, Pinto withdrew \$102.50 from a non-Chase ATM. On August 11, 2014, Pinto withdrew \$200 from the Chase account. On August 12, 2014, Pinto withdrew \$100 from the Chase account. On August 15, 2014, Pinto withdrew \$503 from a non-Chase ATM. On August 18, 2014, Pinto withdrew \$400 from the Chase account. On August 18, 2014, Pinto withdrew \$101.75 from a non-Chase ATM.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

No.	Factual Assertion	Support
35	<p>On August 18, 2014, Pinto withdrew \$60.99 from a non-Chase ATM.</p> <p>During September 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's checking account at Chase Bank:</p> <p>On September 2, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On September 3, 2014, Pinto withdrew \$103 from a non-Chase ATM. On September 4, 2014, Pinto withdrew \$101.75 from a non-Chase ATM. On September 5, 2014, Pinto withdrew \$200 from the Chase account. On September 8, 2014, Pinto withdrew \$101.75 from the Chase account. On September 8, 2014, Pinto withdrew \$101.50 from a non-Chase ATM. On September 8, 2014, Pinto withdrew \$101.50 from a non-Chase ATM. On September 15, 2014, Pinto withdrew \$101.75 from the Chase account. On September 16, 2014, Pinto withdrew \$303 from the Chase account. On September 19, 2014, Pinto withdrew \$101.75 from the Chase account. On September 22, 2014, Pinto withdrew \$500 from the Chase account. On September 25, 2014, Pinto withdrew \$500 from the Chase account. On September 29, 2014, Pinto withdrew \$100 from the Chase account. On September 29, 2014, Pinto withdrew \$400 from the Chase account.</p>	<p>Black Decl. Exh. C (Chase bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
36	<p>Out of these \$52,003 in withdrawals, Pinto reported on his bills, as partial payment, \$12,600 in 2013 and \$8,000 in 2014, for a total of \$20,600.</p>	<p>Fantone Exh. D (Pinto bills)</p> <p>Defs: Denied to the extent that Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals. Admit that Pinto reported withdrawals on his invoices.</p>
37	<p>In addition to withdrawing funds from Joanne's account at Chase Bank, Pinto withdrew funds from Joanne's account at Wells Fargo Bank. During the period from May 2013 through May 2014, Pinto withdrew a total of \$14,374 from Joanne's checking account at Wells Fargo Bank, including ATM fees, balance inquiry fees, and overdraft transfer fees.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
38	<p>During May 2013, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On May 2, 2013, Pinto withdrew \$950.00 from the Wells Fargo account. On May 3, 2013, Pinto withdrew \$208.00 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
39	<p>During June 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On June 3, 2013, Pinto withdrew \$104.50 from the Wells Fargo account. On June 3, 2013, Pinto withdrew \$204.50 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>

40	<p>During July 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On July 9, 2013, Pinto made a \$19.08 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$22.06 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$23.55 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$16.09 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$19.07 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$5.75 Check Card Purchase, using the Wells Fargo account.</p> <p>On July 10, 2013, Pinto made a \$22.06 Check Card Purchase, using the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/check card purchases.</p>
41	<p>During August 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On August 5, 2013, Pinto withdrew \$204 from the Wells Fargo account.</p> <p>On August 7, 2013, Pinto made a \$61 Check Card Purchase, paying out of the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/check card purchases.</p>

No.	Factual Assertion	Support
	<p>On August 12, 2013, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On August 15, 2013, Pinto withdrew \$204 from the Wells Fargo account.</p> <p>On August 19, 2013, Pinto withdrew \$124.50 from the Wells Fargo account.</p> <p>On August 19, 2013, Pinto withdrew \$84.50 from the Wells Fargo account.</p> <p>On August 19, 2013, Pinto withdrew \$205.50 from the Wells Fargo account.</p> <p>On August 26, 2013, Pinto made a \$500 POS Purchase, plus overdraft fees, for a total debit of \$512.50 from the Wells Fargo account.</p> <p>On August 27, 2013, Pinto withdrew \$96.50 from the Wells Fargo account.</p> <p>On August 28, 2013, Pinto withdrew \$220 from the Wells Fargo account.</p> <p>On August 29, 2013, Pinto withdrew \$318 from the Wells Fargo account.</p>	
42	<p>During September 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On September 3, 2013, Pinto withdrew \$204 from the Wells Fargo account.</p> <p>On September 3, 2013, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On September 4, 2013, Pinto withdrew \$104.50 from the Wells Fargo account.</p> <p>On September 5, 2013, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On September 6, 2013, Pinto withdrew \$206.50 from the Wells Fargo account.</p> <p>On September 9, 2013, Pinto withdrew \$138 from the Wells Fargo account.</p> <p>On September 10, 2013, Pinto withdrew \$216.50, from the Wells Fargo account.</p> <p>On September 11, 2013, Pinto withdrew \$116.50 from the Wells Fargo account.</p> <p>On September 13, 2013, Pinto withdrew \$137.50 from the Wells Fargo account.</p> <p>On September 16, 2013, Pinto withdrew \$220, from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
43	<p>During October 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On October 3, 2013, Pinto withdrew \$205.45 from the Wells Fargo account.</p> <p>On October 4, 2013, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On October 7, 2013, Pinto withdrew \$207.75 from the Wells Fargo account.</p> <p>On October 8, 2013, Pinto made a \$336.62 POS Purchase, using the Wells Fargo account.</p> <p>On October 10, 2013, Pinto made a \$190.79 POS Purchase, plus overdraft fees, for a total debit of \$225.79 from the Wells Fargo account.</p> <p>On October 11, 2013, Pinto made a \$145.07 POS Purchase, using the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/purchases.</p>
44	<p>During November 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On November 4, 2013, Pinto withdrew \$104.25 from the Wells Fargo account.</p> <p>On November 4, 2013, Pinto made a \$94.97 POS Purchase, using the Wells Fargo account.</p> <p>On November 4, 2013, Pinto withdrew \$104.25 from the Wells Fargo account.</p> <p>On November 4, 2013, Pinto withdrew \$204 from the Wells Fargo account.</p> <p>On November 5, 2013, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On November 7, 2013, Pinto withdrew \$106.50 from the Wells Fargo account.</p> <p>On November 12, 2013, Pinto made a \$124.87 POS Purchase, using the Wells Fargo account.</p> <p>On November 14, 2013, Pinto made an \$83.10 POS Purchase, using the Wells Fargo account.</p> <p>On November 19, 2013, Pinto withdrew \$139.25 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/purchases.</p>
45	<p>During December 2013, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On December 4, 2013, Pinto withdrew \$103.49 from the Wells Fargo account.</p> <p>On December 6, 2013, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On December 6, 2013, Pinto withdrew \$300 from the Wells Fargo account.</p> <p>On December 9, 2013, Pinto made a \$123.96 POS Purchase, using the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/purchases.</p>

No.	Factual Assertion	Support
	<p>On December 9, 2013, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On December 10, 2013, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On December 11, 2013, Pinto withdrew \$240.50 from the Wells Fargo account.</p> <p>On December 12, 2013, Pinto withdrew \$140.50 from the Wells Fargo account.</p>	
46	<p>During January 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On January 21, 2014, Pinto withdrew \$307.50 from the Wells Fargo account.</p> <p>On January 28, 2014, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On January 29, 2014, Pinto withdrew \$307.50 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
47	<p>During February 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On February 7, 2014, Pinto withdrew \$105.50 from the Wells Fargo account.</p> <p>On February 10, 2014, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On February 12, 2014, Pinto withdrew \$307.50 from the Wells Fargo account.</p> <p>On February 18, 2014, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On February 18, 2014, Pinto withdrew \$124 from the Wells Fargo account.</p> <p>On February 18, 2014, Pinto withdrew \$105.50 from the Wells Fargo account.</p> <p>On February 18, 2014, Pinto withdrew \$204.25 from the Wells Fargo account.</p> <p>On February 19, 2014, Pinto withdrew \$239 from the Wells Fargo account.</p> <p>On February 20, 2014, Pinto made a \$52.50 Check Card Purchase, plus overdraft fees, for a total debit of \$87.50 from the Wells Fargo account.</p> <p>On February 20, 2014, Pinto withdrew \$139 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals/purchases.</p>
48	<p>During March 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On March 11, 2014, Pinto withdrew \$204 from the Wells Fargo account.</p> <p>On March 12, 2014, Pinto withdrew \$205 from the Wells Fargo account.</p> <p>On March 13, 2014, Pinto withdrew \$205 from the Wells Fargo account.</p> <p>On March 17, 2014, Pinto withdrew \$206 from the Wells Fargo account.</p> <p>On March 17, 2014, Pinto withdrew \$241.45 from the Wells Fargo account.</p> <p>On March 17, 2014, Pinto withdrew \$100.25 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
49	<p>During April 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On April 7, 2014, Pinto withdrew \$104 from the Wells Fargo account.</p> <p>On April 10, 2014, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On April 11, 2014, Pinto withdrew \$305.50 from the Wells Fargo account.</p> <p>On April 14, 2014, Pinto withdrew \$204 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
50	<p>During May 2014, while Joanne was a psychiatric inpatient, Pinto withdrew the following amounts, on the following days, from Joanne's Wells Fargo checking account:</p> <p>On May 5, 2014, Pinto withdrew \$46.25 from the Wells Fargo account.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals.</p>
51	<p>During the period when he was making the Chase Bank and Wells Fargo withdrawals listed above, Pinto reported in his bills a fraction of the Chase Bank withdrawals, and treated these as partial payment of his invoices.</p>	<p>Black Decl. Exh. D (Wells Fargo bank statements)</p> <p>Defs: Denied to the extent that Bernard Black lacks personal</p>

		first-hand knowledge to make the factual assertion that Pinto made such withdrawals. Admit that Pinto reported withdrawals on his invoices.
52	Neither Pinto nor Wrigley ever disclosed to Bernard that Pinto was making withdrawals from Joanne's Wells Fargo accounts.	Black Decl. ¶¶ 26-29 Defs: Denied, as Bernard Black lacks personal first-hand knowledge to make the factual assertion that Pinto made such withdrawals; also denied to the extent that this statement assumes Wrigley was aware Pinto was making withdrawals from Joanne's Wells Fargo account without any basis in the record.
53	Wrigley participated in the Colorado conservatorship proceedings, received court filings and order, and therefore knew that my powers as conservator included the power "To serve as Representative Payee on behalf of Respondent [Joanne]."	Black Decl. Exh. E (Denver Probate Court order) Defs: Denied, as Bernard Black cannot testify as to what Wrigley knew.
54	Wrigley knew that Pinto had become Joanne's representative payee, but did not inform her conservator, Bernard Black, of this.	Black Decl. ¶ 78 and Exh. O (Wrigley response to request for admissions), response 30 Defs: Admit.